

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DEMETRIUS L. MILTON,

Plaintiff,

v.

BUFFALO ENGINEERING, P.C.,

Defendant.

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**ORDER**  
03-CV-472S

1. Pro se plaintiff Demetrius L. Milton commenced this employment discrimination action on June 20, 2003, by filing a Complaint in the United States District Court for the Western District of New York. Defendant Buffalo Engineering, P.C. filed an Answer on September 15, 2003.

2. Plaintiff moved to Amend his Complaint on December 14, 2004. By Order dated April 11, 2005, this Court granted the Motion to Amend and directed Plaintiff to file and serve his Amended Complaint on or before April 22, 2005.

3. Although Plaintiff filed his Amended Complaint on April 22, 2005, he has not filed proof of service on Defendant.

4. Plaintiff is directed to serve Defendant with a copy of the Amended Complaint and file proof of service in connection therewith on or before July 18, 2005. Should Plaintiff fail to do so, his Amended Complaint will be stricken from the Court's Docket.

5. Defendant's time in which to file a reply/response in connection with its Motion for Summary Judgment and Plaintiff's Cross-Motion for Summary Judgment expired on May 23, 2005. In the event Plaintiff serves his Amended Complaint in accordance with this Order, Defendant's time in which to file and serve its reply/response will be extended

to July 25, 2005.

IT HEREBY IS ORDERED, that Plaintiff's Amended Complaint (Docket No. 70) shall be served, and proof of service filed, on or before Monday, July 18, 2005.

FURTHER, that, should Plaintiff fail to comply with this Order, the Clerk of the Court shall strike the Amended Complaint (Docket No. 70) from the Docket.

FURTHER, that, upon Plaintiff's compliance with this Order, Defendant's time in which to file with the Clerk of the Court and serve its reply/response in connection with its Motion for Summary Judgment (Docket No. 58) and Plaintiff's Cross-Motion for Summary Judgment (Docket No. 71) shall be extended to Monday, July 25, 2005.

FURTHER, that oral argument will be scheduled by this Court if necessary after receipt of the pleadings.

SO ORDERED.

Dated: July 8, 2005  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge